

MAY 25 2022

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
Civil Action No. 3:21-CV-00072-RJC-DSC

US DISTRICT COURT
WESTERN DISTRICT OF NC

JAMES BECKLEY,

Plaintiff

v.

PRIORITY AUTO GROUP, INC.,
PRIORITY AUTOMOTIVE
HUNTERSVILLE, INC., DENNIS
ELMER and MATTHEW ELMER,

Defendants

PRIORITY AUTOMOTIVE
HUNTERSVILLE, INC.,

Counterclaimant

v.

JAMES BECKLEY and
TANISHA BECKLEY,

Counterclaim Defendants

**PLAINTIFF'S AND COUNTERCLAIM
DEFENDANTS' MOTION FOR
EXTENSION OF TIME TO REPLY,
PLEAD OR OTHERWISE RESPOND TO
DEFENDANTS' ANSWER**

Plaintiff and Counterclaim Defendants, James Beckley and Tanisha Beckley

(“Counterclaim Defendants”) pursuant to Rule 6 of the Federal Rules of Civil Procedure, the Local Rules Governing Civil Cases, LCvR 7.1, and other applicable law, respectfully moves the Court for an extension of time of thirty (30) days for Counterclaim Defendants to reply, plead or otherwise respond to the claims in the Answer filed by Defendants in this action (the “Answer”).

In support of this motion, Counterclaim Defendants show the following:

1. In January 2021, Plaintiff commenced this action by filing a Complaint in state court. In February 2021, Defendants removed the action to this Court. On March 15, 2021,

Plaintiff filed an Amended Complaint, and on March 16, 2021, Defendants filed motions to dismiss for failure to state a claim and for lack of jurisdiction or in the alternative, to transfer venue. After the Magistrate Judge issued his Memorandum and Recommendations on Defendants' motions in June 2021, Defendants filed their objections thereto. On March 28, 2022, Judge Conrad issued his ruling on the Magistrate Judge's Memorandum and Recommendations;

2. On April 11, 2022, Defendants filed their Answer and Counterclaims in which they allege ten counterclaims in approximately eighty (80) pages and attach sixteen (16) exhibits totaling approximately 250 pages;
3. On April 16, 2022, Defendants filed a Motion to Disqualify Plaintiff's counsel, Philip Gibbons;
4. On April 26, 2022, Plaintiff's counsel filed a Motion to Withdraw as Attorney of Record and Stay the Proceedings;
5. The current deadline for Plaintiff's and Counterclaim Defendants' Reply to the claims in Defendants' Answer is May 26, 2022, by order of the Court;
6. Counterclaim Defendants have been diligently seeking counsel since Mr. Gibbons' unexpected withdrawal;
7. The time within which Counterclaim Defendants must reply, plead or otherwise respond to the Answer has not yet expired;
8. Counterclaim Defendants need additional time to secure counsel and prepare their responses to the Answer; and
9. This motion is made for good cause and not for purposes of undue delay.

WHEREFORE, Counterclaim Defendants respectfully request that the Court grant them a thirty-day extension of time to reply, plead or otherwise respond to the claims in Defendants' Answer, through and including June 25, 2022.

This the ____ day of May 2022.

James Beckley

[ADD YOUR ADDRESS, PHONE AND EMAIL]

2963 PEBBLE CREEK ST

MELBOURNE, FL 32935

Tanisha Beckley

[ADD YOUR ADDRESS, PHONE AND EMAIL]

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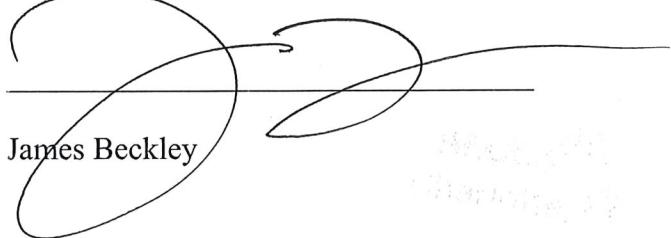
ELASERJS @ GMAIL.COM

CERTIFICATE OF SERVICE

I hereby certify that on May 25, 2022, I served the foregoing **Plaintiff's and Counterclaim Defendants' Motion For Extension Of Time To Reply, Plead Or Otherwise Respond to Defendants' Answer** on counsel for Defendants by first-class US mail, postage properly prepaid, as follows:

Joshua F. P. Long
Woods Rogers PLC
Wells Fargo Tower, Suite 1800
10 S. Jefferson Street
Roanoke, Virginia 24011
jlong@woodsrogers.com
Counsel for Defendants

This the 25 day of May 2022



James Beckley